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2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/905,132	KARIGHATTAM ET AL.
	Examiner	Art Unit
	Andrew C. Lee	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 March 2006</u>.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection

is appropriate where the conflicting claims are not identical, but at least one examined

application claim is not patentably distinct from the reference claim(s) because the examined

application claim is either anticipated by, or would have been obvious over, the reference

claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re*

Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may

be used to overcome an actual or provisional rejection based on a nonstatutory double patenting

ground provided the conflicting application or patent either is shown to be commonly owned

with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1 – 12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 12 of U.S. Patent No. 6996124 B1 in view of U.S. Patent No. 6735649 B2.

Regarding claim 1, U.S. Patent No. 6996124 B1 discloses the limitation of the method of claimed in a home phone line network, comprising the steps of: (a) detecting a limited automatic repeat request (LARQ) header in a frame; (b) stripping the LARQ header and a frame check sequence (FCS) in the frame; (c) recalculating the FCS for the stripped frame; and (d) adding the recalculated FCS to the stripped frame (see U.S. Patent No. 6996124 B1, column 4, lines 39 – 46). U.S. Patent No. 6996124 B1 does not disclose expressly the priority tag. U.S. Patent No. 6735649 B2 discloses the limitation of the priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6996124 B1 to include the priority tag such as that taught by U.S. Patent No. 6735649 B2.

Regarding claim 2, U.S. Patent No. 6996124 B1 discloses the limitation of the method of

claimed wherein the stripping step (b) further comprises: (b1) placing information in the LARQ

header in a frame status frame which will follow the stripped frame (see US Patent No. 6996124

B1, column 4, lines 47 – 50). U.S. Patent No. 6996124 B1 does not disclose expressly the

priority tag. U.S. Patent No. 6735649 B2 discloses the limitation of the priority tag (recited "Q-

tag" as priority tag, see column 6, lines 17- 18). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify U.S. Patent No. 6996124 B1 to

include the priority tag such as that taught by U.S. Patent No. 6735649 B2.

Regarding claim 3, U.S. Patent No. 6996124 B1 discloses the limitation of the method of

claimed further comprising: (e) sending the stripped frame and the recalculated FCS to an

Ethernet controller (see US Patent No. 6996124 B1, column 4, lines 51 – 53). U.S. Patent No.

6996124 B1 does not disclose expressly the priority tag. U.S. Patent No. 6735649 B2 discloses

the limitation of the priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify U.S. Patent No. 6996124 B1 to include the priority tag such as that taught by U.S. Patent

No. 6735649 B2.

Regarding claim 4, U.S. Patent No. 6996124 B1 discloses the limitation of the method of

claimed in a home phone line network, comprising the steps of: (a) detecting a limited automatic

repeat request (LARQ) header in a frame; (b) stripping the LARQ header and a frame check

sequence (FCS) in the frame; (c) recalculating the FCS for the stripped frame; and (d) adding the

recalculated FCS to the stripped frame; (e) sending the stripped frame and the calculated FCS to

an Ethernet controller; and sending the stripped frame and recalculated FCS to an appropriate

queue (see U.S. Patent No. 6996124 B1, column 4, lines 39 – 46). U.S. Patent No. 6996124 B1

does not disclose expressly the priority queue and priority tag. U.S. Patent No. 6735649 B2

discloses the limitation of the priority queue and priority tag (recited "Q-tag" as priority tag, see

column 6, lines 17- 18). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify U.S. Patent No. 6996124 B1 to include the priority queue and

priority tag such as that taught by U.S. Patent No. 6735649 B2.

Regarding claim 5, U.S. Patent No. 6996124 B1 discloses the limitation of a home phone

line controller, comprising: a first logic block for detecting a LARQ header in a frame; a second

logic block for stripping the LARQ header and a FCS in the frame; and a third logic block for

recalculating the FCS for the stripped frame and for adding the recalculated FCS to the stripped

frame (see US Patent No. 6996124 B1, column 4, lines 57 – 63). U.S. Patent No. 6996124 B1

does not disclose expressly the priority tag. U.S. Patent No. 6735649 B2 discloses the limitation

of the priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S.

Patent No. 6996124 B1 to include the priority tag such as that taught by U.S. Patent No. 6735649

B2.

Regarding claim 6, U.S. Patent No. 6996124 B1 discloses the limitation of the controller

of claimed wherein an asserted first signal to the first logic block indicates that the LARQ

header is enabled and must be stripped from the frame (see US Patent No. 6996124 B1, column

4, lines 64 – 66). U.S. Patent No. 6996124 B1 does not disclose expressly the priority tag. U.S.

Patent No. 6735649 B2 discloses the limitation of the priority tag (recited "Q-tag" as priority tag,

see column 6, lines 17- 18). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify U.S. Patent No. 6996124 B1 to include the priority tag

such as that taught by U.S. Patent No. 6735649 B2.

Regarding claim 7, U.S. Patent No. 6996124 B1 discloses the limitation of a home phone

line controller, comprising: a first logic block for detecting a LARQ header in a frame; a second

logic block for stripping the LARQ header and a FCS in the frame; and a third logic block for

recalculating the FCS for the stripped frame and for adding the recalculated FCS to the stripped

frame (see US Patent No. 6996124 B1, column 4, lines 57 – 63), wherein the first logic block

asserts a second signal and a third signal to the second logic block, wherein the second signal

indicates that the FCS is to be stripped from the frame, wherein the third signal indicates that

the LARQ header is to be stripped from the frame (see US Patent No. 6996124 B1, column 5,

lines 1 – 5). U.S. Patent No. 6996124 B1 does not disclose expressly the priority tag. U.S. Patent

No. 6735649 B2 discloses the limitation of the priority tag (recited "Q-tag" as priority tag, see

column 6, lines 17- 18). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify U.S. Patent No. 6996124 B1 to include the priority tag such as

that taught by U.S. Patent No. 6735649 B2.

Regarding claim 8, U.S. Patent No. 6996124 B1 discloses the limitation of the controller

of claimed wherein an asserted fourth signal to the third logic block enables the recalculation

of the FCS (see US Patent No. 6996124 B1, column 5, lines 6 – 8). U.S. Patent No. 6996124 B1

does not disclose expressly the priority tag. U.S. Patent No. 6735649 B2 discloses the limitation

of the priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S.

Patent No. 6996124 B1 to include the priority tag such as that taught by U.S. Patent No. 6735649 B2.

Regarding claim 9, U.S. Patent No. 6996124 B1 discloses the limitation of a system, comprising: an Ethernet controller; and a home phone line network controller, wherein the home phone line network controller comprises: a first logic block for detecting a LARQ header in a frame; a second logic block for stripping the LARQ header and a FCS in the frame; and a third logic block for recalculating the FCS for the stripped frame and for adding the recalculated FCS to the stripped frame (see US Patent No. 6996124 B1, column 5, lines 9 – 16, column 6, lines 1 – 3). U.S. Patent No. 6996124 B1 does not disclose expressly the priority tag. U.S. Patent No. 6735649 B2 discloses the limitation of the priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6996124 B1 to include the priority tag such as that taught by U.S. Patent No. 6735649 B2.

Regarding claim 10, U.S. Patent No. 6996124 B1 discloses the limitation of the system of claimed wherein an asserted first signal to the first logic block indicates that the LARQ header is enabled and must be stripped from the frame (see US Patent No. 6996124 B1, column 6, lines 4 – 6). U.S. Patent No. 6996124 B1 does not disclose expressly the priority tag. U.S. Patent No. 6735649 B2 discloses the limitation of the priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6996124 B1 to include the priority tag such as that taught by U.S. Patent No. 6735649 B2.

Regarding claim 11, U.S. Patent No. 6996124 B1 discloses the limitation of a system,

comprising: an Ethernet controller; and a home phone line network controller, wherein the

home phone line network controller comprises: a first logic block for detecting a LARQ header

in a frame; a second logic block for stripping the LARQ header and a FCS in the frame; and a

third logic block for recalculating the FCS for the stripped frame and for adding the

recalculated FCS to the stripped frame (see US Patent No. 6996124 B1, column 5, lines 9 – 16,

column 6, lines 1 – 3), wherein the first logic block asserts a second signal and a third signal to

the second logic block, wherein the second signal indicates that the FCS is to be stripped from

the frame, wherein the third signal indicates that the LARQ header is to be stripped from the

frame (US Patent No. 6996124 B1, column 6, lines 7 – 11). U.S. Patent No. 6996124 B1 does

not disclose expressly the priority tag. U.S. Patent No. 6735649 B2 discloses the limitation of the

priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify U.S.

Patent No. 6996124 B1 to include the priority tag such as that taught by U.S. Patent No. 6735649

B2.

Regarding claim 12, U.S. Patent No. 6996124 B1 discloses the limitation of the system

of claimed wherein an asserted fourth signal to the third logic block enables the recalculation

of the FCS (US Patent No. 6996124 B1, column 6, lines 12 – 14). U.S. Patent No. 6996124 B1

does not disclose expressly the priority tag. U.S. Patent No. 6735649 B2 discloses the limitation

of the priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S.

Patent No. 6996124 B1 to include the priority tag such as that taught by U.S. Patent No. 6735649

B2.

4.   Claims 1 – 12 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1 – 22 of U.S. Patent No. 6735649 B2 in view of

U.S. Patent No. 6996124 B1.

Regarding claim 1, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of the method of claimed in a home phone line

network, comprising the steps of recalculating the FCS for the stripped frame; and adding the

recalculated FCS to the stripped frame. U.S. Patent No. 6996124 B1 discloses the limitation of

the method of claimed in a home phone line network, comprising the steps of recalculating the

FCS for the stripped frame; and adding the recalculated FCS to the stripped frame (see U.S.

Patent No. 6996124 B1, column 4, lines 39 – 46). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify U.S. Patent No. 6735649 B2 to

include the limitation of the method of claimed in a home phone line network, comprising the

steps of recalculating the FCS for the stripped frame; and adding the recalculated FCS to the

stripped frame such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 2, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of the method of claimed wherein the stripping step (b)

further comprises: (b1) placing information in the LARQ header in a frame status frame which

will follow the stripped frame. U.S. Patent No. 6996124 B1 the method of claimed wherein the

stripping step (b) further comprises: (b1) placing information in the LARQ header in a frame

status frame which will follow the stripped frame (see US Patent No. 6996124 B1, column 4,

lines 47 – 50). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify U.S. Patent No. 6735649 B2 to include the method of claimed

wherein the stripping step (b) further comprises: (b1) placing information in the LARQ header in

a frame status frame which will follow the stripped frame such as that taught by U.S. Patent No.

6996124 B1.

Regarding claim 3, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of the method of claimed further comprising: (e)

sending the stripped frame and the recalculated FCS to an Ethernet controller. U.S. Patent No.

6996124 B1 discloses the limitation of the method of claimed further comprising: (e) sending the

stripped frame and the recalculated FCS to an Ethernet controller (see US Patent No. 6996124

B1, column 4, lines 51 – 53). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify U.S. Patent No. 6735649 B2 to include the method of

claimed further comprising: (e) sending the stripped frame and the recalculated FCS to an

Ethernet controller such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 4, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of the method of claimed in a home phone line

network, comprising the steps of: recalculating the FCS for the stripped frame; and (d) adding

the recalculated FCS to the stripped frame; (e) sending the stripped frame and the calculated FCS

to an Ethernet controller; and sending the stripped frame and recalculated FCS to an appropriate

queue (see U.S. Patent No. 6996124 B1, column 4, lines 39 – 46). U.S. Patent No. 6996124 B1

discloses the method of claimed in a home phone line network, comprising the steps of:

recalculating the FCS for the stripped frame; and (d) adding the recalculated FCS to the stripped

frame; (e) sending the stripped frame and the calculated FCS to an Ethernet controller; and

sending the stripped frame and recalculated FCS to an appropriate queue (see U.S. Patent No.

6996124 B1, column 4, lines 39 – 46). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify U.S. Patent No. 6735649 B2 to include the

method of claimed in a home phone line network, comprising the steps of: recalculating the FCS

for the stripped frame; and (d) adding the recalculated FCS to the stripped frame; (e) sending the

stripped frame and the calculated FCS to an Ethernet controller; and sending the stripped frame

and recalculated FCS to an appropriate queue such as that taught by U.S. Patent No. 6996124

B1.

Regarding claim 5, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of a home phone line controller, comprising: a first

logic block for detecting a LARQ header in a frame; a second logic block for stripping the

LARQ header and a FCS in the frame; and a third logic block for recalculating the FCS for the

stripped frame and for adding the recalculated FCS to the stripped frame. U.S. Patent No.

6996124 B1 discloses the limitation of a home phone line controller, comprising: a first logic

block for detecting a LARQ header in a frame; a second logic block for stripping the LARQ

header and a FCS in the frame; and a third logic block for recalculating the FCS for the stripped

frame and for adding the recalculated FCS to the stripped frame (see US Patent No. 6996124

B1, column 4, lines 57 – 63). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify U.S. Patent No. 6735649 B2 to include the limitation of a

home phone line controller, comprising: a first logic block for detecting a LARQ header in a

frame; a second logic block for stripping the LARQ header and a FCS in the frame; and a third

logic block for recalculating the FCS for the stripped frame and for adding the recalculated FCS

to the stripped frame such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 6, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of the controller of claimed wherein an asserted first

signal to the first logic block indicates that the LARQ header is enabled and must be stripped

from the frame (see US Patent No. 6996124 B1, column 4, lines 64 – 66). U.S. Patent No.

6996124 B1 discloses the limitation of the controller of claimed wherein an asserted first signal

to the first logic block indicates that the LARQ header is enabled and must be stripped from the

frame (see US Patent No. 6996124 B1, column 4, lines 64 – 66). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No.

6735649 B2 to include the limitation of the controller of claimed wherein an asserted first signal

to the first logic block indicates that the LARQ header is enabled and must be stripped from the

frame such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 7, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of a home phone line controller, comprising: a first

logic block for detecting a LARQ header in a frame; a second logic block for stripping the

LARQ header and a FCS in the frame; and a third logic block for recalculating the FCS for the

stripped frame and for adding the recalculated FCS to the stripped frame, wherein the first logic

block asserts a second signal and a third signal to the second logic block, wherein the second

signal indicates that the FCS is to be stripped from the frame, wherein the third signal indicates

that the LARQ header is to be stripped from the frame. U.S. Patent No. 6996124 B1 discloses

the limitation of a home phone line controller, comprising: a first logic block for detecting a

LARQ header in a frame; a second logic block for stripping the LARQ header and a FCS in the

frame; and a third logic block for recalculating the FCS for the stripped frame and for adding the

recalculated FCS to the stripped frame (see US Patent No. 6996124 B1, column 4, lines 57 –

63), wherein the first logic block asserts a second signal and a third signal to the second logic

block, wherein the second signal indicates that the FCS is to be stripped from the frame,

wherein the third signal indicates that the LARQ header is to be stripped from the frame (see

US Patent No. 6996124 B1, column 5, lines 1 – 5). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6735649

B2 to include the limitation of a home phone line controller, comprising: a first logic block for

detecting a LARQ header in a frame; a second logic block for stripping the LARQ header and a

FCS in the frame; and a third logic block for recalculating the FCS for the stripped frame and for

adding the recalculated FCS to the stripped frame, wherein the first logic block asserts a second

signal and a third signal to the second logic block, wherein the second signal indicates that the

FCS is to be stripped from the frame, wherein the third signal indicates that the LARQ header

is to be stripped from the frame such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 8, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of the controller of claimed wherein an asserted fourth

signal to the third logic block enables the recalculation of the FCS. U.S. Patent No. 6996124 B1

discloses the limitation of the controller of claimed wherein an asserted fourth signal to the

third logic block enables the recalculation of the FCS (see US Patent No. 6996124 B1, column

5, lines 6 – 8). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify U.S. Patent No. 6735649 B2 to include the limitation of the

controller of claimed wherein an asserted fourth signal to the third logic block enables the

recalculation of the FCS such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 9, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of a system, comprising: an Ethernet controller; and a

home phone line network controller, wherein the home phone line network controller

comprises: a first logic block for detecting a LARQ header in a frame; a second logic block for

stripping the LARQ header and a FCS in the frame; and a third logic block for recalculating

the FCS for the stripped frame and for adding the recalculated FCS to the stripped frame. U.S.

Patent No. 6996124 B1 discloses expressly the limitation of a system, comprising: an Ethernet

controller; and a home phone line network controller, wherein the home phone line network

controller comprises: a first logic block for detecting a LARQ header in a frame; a second

logic block for stripping the LARQ header and a FCS in the frame; and a third logic block for recalculating the FCS for the stripped frame and for adding the recalculated FCS to the stripped frame (see US Patent No. 6996124 B1, column 5, lines 9 – 16, column 6, lines 1 – 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6735649 B2 to include expressly the limitation of a system, comprising: an Ethernet controller; and a home phone line network controller, wherein the home phone line network controller comprises: a first logic block for detecting a LARQ header in a frame; a second logic block for stripping the LARQ header and a FCS in the frame; and a third logic block for recalculating the FCS for the stripped frame and for adding the recalculated FCS to the stripped frame such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 10, U.S. Patent No. 6735649 B2 discloses the limitation of the priority tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2 does not disclose expressly the limitation of the system of claimed wherein an asserted first signal to the first logic block indicates that the LARQ header is enabled and must be stripped from the frame. U.S. Patent No. 6996124 B1 discloses the limitation of the system of claimed wherein an asserted first signal to the first logic block indicates that the LARQ header is enabled and must be stripped from the frame (US Patent No. 6996124 B1, column 6, lines 4 – 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6735649 B2 to include the limitation of the system of claimed wherein an asserted first signal to the first logic block indicates that the LARQ header is enabled and must be stripped from the frame such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 11, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of a system, comprising: an Ethernet controller; and a

home phone line network controller, wherein the home phone line network controller

comprises: a first logic block for detecting a LARQ header in a frame; a second logic block for

stripping the LARQ header and a FCS in the frame; and a third logic block for recalculating

the FCS for the stripped frame and for adding the recalculated FCS to the stripped frame,

wherein the first logic block asserts a second signal and a third signal to the second logic

block, wherein the second signal indicates that the FCS is to be stripped from the frame,

wherein the third signal indicates that the LARQ header is to be stripped from the frame. U.S.

Patent No. 6996124 B1 discloses the limitation of a system, comprising: an Ethernet controller;

and a home phone line network controller, wherein the home phone line network controller

comprises: a first logic block for detecting a LARQ header in a frame; a second logic block for

stripping the LARQ header and a FCS in the frame; and a third logic block for recalculating

the FCS for the stripped frame and for adding the recalculated FCS to the stripped frame (see

US Patent No. 6996124 B1, column 5, lines 9 – 16, column 6, lines 1 – 3), wherein the first

logic block asserts a second signal and a third signal to the second logic block, wherein the

second signal indicates that the FCS is to be stripped from the frame, wherein the third signal

indicates that the LARQ header is to be stripped from the frame (US Patent No. 6996124 B1,

column 6, lines 7 – 11). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify U.S. Patent No. 6735649 B2 to include the limitation of a

system, comprising: an Ethernet controller; and a home phone line network controller, wherein

the home phone line network controller comprises: a first logic block for detecting a LARQ

header in a frame; a second logic block for stripping the LARQ header and a FCS in the frame;

and a third logic block for recalculating the FCS for the stripped frame and for adding the

recalculated FCS to the stripped frame, wherein the first logic block asserts a second signal and

a third signal to the second logic block, wherein the second signal indicates that the FCS is to

be stripped from the frame, wherein the third signal indicates that the LARQ header is to be

stripped from the frame such as that taught by U.S. Patent No. 6996124 B1.

Regarding claim 12, U.S. Patent No. 6735649 B2 discloses the limitation of the priority

tag (recited "Q-tag" as priority tag, see column 6, lines 17- 18). U.S. Patent No. 6735649 B2

does not disclose expressly the limitation of the system of claimed wherein an asserted fourth

signal to the third logic block enables the recalculation of the FCS. U.S. Patent No. 6996124 B1

does not the limitation of the system of claimed wherein an asserted fourth signal to the third

logic block enables the recalculation of the FCS (US Patent No. 6996124 B1, column 6, lines 12

– 14). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify U.S. Patent No. 6735649 B2 to include the limitation of the system of claimed

wherein an asserted fourth signal to the third logic block enables the recalculation of the FCS

(US Patent No. 6996124 B1, column 6, lines 12 – 14) such as that taught by U.S. Patent No.

6996124 B1.

It has been held that omission of an element and its function is an obvious expedient if

the remaining elements perform the same function as before. In re Karlson, 136 USPQ 184

(CCPA). Also note Ex Parte Raine, 168 USPQ 375 (bd. App. 1969); omission of a reference

element whose function is not needed would be obvious to one skilled in the art.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The

examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL   April 27, 2006

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER